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REMARKS/ARGUMENTS

1. In the above referenced Office Action, the Examiner rejected claims 1-2, 5, 7-13, 15-18, 20, 23, 25-31 & 33-36 under 35 USC § 103 (a) as being unpatentable over Diefes (U.S. Patent No. 6,067,440) in view of Yu (U.S. Patent No. 5,561,456) and further in view of Rodriguez (U.S. Patent No. 6,986,156); claims 3, 19 and 21, under 35 USC § 103 (a) as being unpatentable over Diefes (U.S. Patent No. 6,067,440) in view of Yu (U.S. Patent No. 5,561,456) in view of Rodriguez (U.S. Patent No. 6,986,156) and further in view of Goode (U.S. Patent No. 6,163,272); claims 4, 14, 22 and 32, under 35 USC § 103 (a) as being unpatentable over Diefes (U.S. Patent No. 6,067,440) in view of Yu (U.S. Patent No. 5,561,456) in view of Rodriguez (U.S. Patent No. 6,986,156) and further in view of Russell (U.S. Patent No. 4,890,322); and claims 6 & 24, under 35 USC § 103 (a) as being unpatentable over Diefes (U.S. Patent No. 6,067,440) in view of Yu (U.S. Patent No. 5,561,456) in view of Rodriguez (U.S. Patent No. 6,986,156) and further in view of Giammaressi (U.S. Patent No. 7,086,077).

Claims 1-36 are currently pending in the present application. Claims 1, 7, 12, 16, 19, 25, 30 and 34 have been amended. The rejections referenced above have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1-36.

2. Claim 1 was rejected under 35 USC § 103 (a) as being unpatentable over Diefes (U.S. Patent No. 6,067,440) in view of Yu (U.S. Patent No. 5,561,456) and further in view of Rodriguez (U.S. Patent No. 6,986,156). Claim 1 has been amended to recite:

allocating at least some of the sufficient resources to fulfill the client request based on a multimedia system resource allocation procedure that are determined based on the a priority associated with the multimedia system service.

While Yu disclosed determining a priority based on the length of wait and based on the queue, Yu does not disclose allocating system resources based on a priority associated with the service itself.

For this reason, Applicant believes that claim 1, and claims 2-11 that depend therefrom, are patentably distinct from the prior art.

In addition, claim 7 has been amended to recite that

when the multimedia system does not have the sufficient resources to fulfill the client request, determining whether the client request has priority over a currently serviced client request based on the priority of the multimedia system service and a priority of the service associated with the currently serviced client request; and

when the client request has priority over the currently serviced client request, preempting the currently serviced client request to obtain the sufficient resources.

Neither Diefes, Yu or Rodriguez discloses preempting services in process when the priority of the requested service is higher than the priority of the current service. This provides a separate and independent reason that claim 7 is patentably distinct from the prior art.

3. Claim 19 was also rejected under 35 USC § 103 (a) as being unpatentable over Diefes (U.S. Patent No. 6,067,440) in view of Yu (U.S. Patent No. 5,561,456) and further in view of Rodriguez (U.S. Patent No. 6,986,156). Claim 19 has been amended in a similar fashion of claim 1. For the reasons set forth in the discussion of claim 1 above, Applicant believes that claim 19, and claims 20-29 that depend therefrom, are patentably distinct from the prior art.

In addition, claim 25 was amended in a similar fashion to claim 7. As discussed in conjunction with claim 7, this provides a separate and independent basis that claim 25 is patentably distinct from the prior art.

4. Claim 12 was rejected under 35 USC § 103 (a) as being unpatentable over Diefes (U.S. Patent No. 6,067,440) in view of Yu (U.S. Patent No. 5,561,456) and further in view of Rodriguez (U.S. Patent No. 6,986,156). Claim 12 has been amended to recite:

allocating best match resources of the sufficient resources to fulfill the client request that are determined based on a priority associated with the multimedia service.

As discussed in conjunction with claim 1, while Yu disclosed determining a priority based on the length of wait and based on the queue, Yu does not disclose allocating system resources based on a priority associated with the service itself.

For this reason, Applicant believes that claim 12, and claims 13-18 that depend therefrom, are patentably distinct from the prior art.

In addition, claim 16 has been amended to recite that

when the multimedia system does not have the sufficient resources to fulfill the client request, determining whether the client request has priority over a currently serviced client request based on the priority of the multimedia service and a priority of the service associated with the currently serviced client request; and

when the client request has priority over the currently serviced client request, preempting the currently serviced client request to obtain the sufficient resources.

Neither Diefes, Yu or Rodriguez discloses preempting services in process when the priority of the requested service is higher than the priority of the current service. This provides a separate and independent reason that claim 16 is patentably distinct from the prior art.

3. Claim 30 was also rejected under 35 USC § 103 (a) as being unpatentable over Diefes (U.S. Patent No. 6,067,440) in view of Yu (U.S. Patent No. 5,561,456) and further in view of Rodriguez (U.S. Patent No. 6,986,156). Claim 30 has been amended in a similar fashion of claim 12. For the reasons set forth in the discussion of claim 12 above, Applicant believes that claim 30, and claims 31-36 that depend therefrom, are patentably distinct from the prior art.

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In addition, claim 34 was amended in a similar fashion to claim 16. As discussed in conjunction with claim 16, this provides a separate and independent basis that claim 34 is patentably distinct from the prior art.

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For the foregoing reasons, the applicant believes that claims 1-36 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

The Commissioner is authorized to charge any additional fees that are required or credit any overpayment to Deposit Account No. 50-2126 (VIXS 008).

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to (571) 273 8200 addressed to: Commissioner of Patents and Trademarks, Alexandria, Virginia 22313, on the date below:

06/18/2007
DateDiane Hudson
Signature